

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 911

IN THE MATTER OF:

Served January 23, 1969

Order of Investigation of)	Docket No. 194
Fares of D. C. Transit)	
System, Inc.)	

On December 23, 1968, the Commission published Order No. 900, in which certain increases in fares were authorized for D. C. Transit System, Inc.

Article XII, Section 16 of the Compact provides that any person affected by an order of the Commission may "within thirty days after the publication thereof..." file an application for reconsideration. This statutory time period -- as is the case with the time period stated in Section 17 -- is mandatory and may not be waived or extended by the Commission. See Re Phillips Petroleum Co., Federal Power Commission, Nov. 25, 1960, 36 PUR 3d 447, at pp. 450-51; N.Y. P.S.C. v. F.P.C., 284 F. 2d 200 (1960).

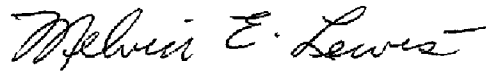
No such application had been filed by the close of business on Wednesday, January 22, 1969 -- the 30th day after publication of the Order. However, an application by Joel Yohalem for reconsideration of said Order was found on the floor of the office when it was opened for business on Thursday, January 23, 1969, and it was stamped in for filing at 8:15 A.M. on that day.

Rule 7-02 of the Commission's Rules of Practice states: "7-02. Computing Time Involving Order of Commission. In computing any period of time involving the date of publication of the order of the Commission, the day of publication of an order shall be the day the Executive Director mails copies of the order (full text) to the parties or their attorneys of record. The Executive Director shall clearly indicate on each order the date of its service."

The Commission is of the opinion and finds that the application for reconsideration must be dismissed, as it was not timely filed.

THEREFORE, IT IS ORDERED that the application of Joel Yohalem for reconsideration of Order No. 900 be, and it is hereby, dismissed.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, reading "Melvin E. Lewis".

MELVIN E. LEWIS
Executive Director

AVERY, Chairman, did not participate.